

## REMARKS

The invention relates generally to a vasoocclusion coil comprising multiple windings of at least two diameters, where the proximal winding is of a smaller diameter, and -- most importantly -- where the proximal end of the coil -- the end which connects to and is released from the pusher wire -- is positioned radially inwardly of the larger diameter.

### 35 U.S.C. § 102(e): Claims 1-5

In the final Office action (Paper No. 8) in Application Serial No. 08/736,896 to which this application claims priority, claims 1-5 were finally rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,639,277 to Mariant et al. In support of that rejection, the Examiner suggested that Mariant et al. discloses a coil (140) with a first diameter (142), a second diameter (144), and a coupling member (Figs. 13 and 14).

Applicants respectfully submit that Mariant et al. does not disclose the invention claimed herein. Mariant et al. does not disclose placing the proximal and distal ends of the coil radially inwardly.

Before further comparing Mariant et al. and the present specification, Applicants wish to clarify the distinction between the embolic coils described in Mariant et al. and the present case. Mariant et al. discloses a coil (140) with a small *primary* (helical) coil comprising windings of constant diameter, and a larger *secondary coil shape* comprising the primary coil wound into large and small windings with a first and a second diameter (see, for example, column 3, lines 5 to 8, and reference numbers 142 and 144). The small primary coil has a *constant diameter*, as depicted in Fig. 13 (reference no. 143), Fig. 14 (159), and Fig. 16A (176). The invention of Mariant et al. focuses on winding the small helical primary coil into a secondary coil shape having various diameters (Fig. 2). Of particular importance is the fact that the Mariant et al.

patent makes no suggestion relating to the spatial relationship between the distal end and the proximal end coupling member and the interior of the coil's secondary shape.

In contrast, the present invention, as amended, is strictly directed to a coil in which the distal end and the coupling member on the proximal end are interior to the coil. This is important for several reasons. First, release of the coil away from the vessel wall allows the uncoupling to take place without interference from that wall. Secondly, the tendency for exterior joints potentially to cause damage to the intima is negated. Thirdly, the end of the coil is "buried" within the secondary structure of the coil and consequently does not serve as a *situs* for the formation of thrombus with its potential for downstream problems.

Mariant et al. simply does not teach this important facet of the invention. Rather, the embodiment shown in Figures 11 and 12 and the supporting discussion in col. 6, lines 18-48 does not delineate any end, proximal or distal, of coil (140). There is therefore no teaching or suggestion that Mariant et al.'s smaller diameter section must be at one end - proximal or distal - of the coil.

Moreover, there is neither any teaching nor suggestion to have two smaller diameter sections (144) (at the proximal and distal ends of the coil) positioned radially inwardly so to avoid injury to the vessel or aneurysm wall.

Anticipation is therefore impossible. Mariant et al. similarly does not serve as an appropriate basis for a rejection under 35 U.S.C. § 103.

### SUMMARY

Applicants believe that the above amendments and remarks overcome the rejection made in the December 30, 1997, Office action for Application Serial No. 08/736,896 to which this application claims priority. Consequently, all the claims should be allowable. Such allowance is therefore earnestly requested.

Should the Examiner have any questions, comments, or requests, he is invited to call Applicants' attorney at the number listed below. If a personal interview is believed to be in any manner instructive as to expediting the conduct of the prosecution, he is invited to contact Applicants' attorney to set up such an interview.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 290252016600. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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By: William C. Revelos  
Registration No. P-42,101

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: 650-813-5846  
Facsimile: (650) 494-0792